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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bernard Claveau

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5826

27557

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11/10/2010

BLANK ROME LLP

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EXAMINER

AHMED, SHAMIM

ART UNIT

PAPER NUMBER

1713

MAIL DATE

DELIVERY MODE

11/10/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,317	Applicant(s) CLAVEAU, BERNARD	
	Examiner Shamim Ahmed	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 2/5/10 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

3. As to Lemelson, applicant's argument of "*only the embossing rolls vibrate not the die (12)*" is not persuasive because Lemelson teaches the use of a second vibrator (40') which is coupled to the mandrel (17) along with the die (12) (see figure 6) for producing vibration (col.10, lines 35-39) and such vibration implicitly vibrate the die.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Regarding claim 1, the phrase "which are heated" renders the claim indefinite because it is unclear whether the limitation(s) referring the "extruded bars" or the "matrix" or the "die"?

7. It is also not clear that the applying decorated film or paper on **extruded bars** through *a matrix and a die* during both the sublimation and the decorative veneering?

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carizzoni et al (6,335,749) in view of Lemelson (3,600,918).

Carizzoni et al disclose a process for printing or decorating a film on a long substrate by means of **sublimation** (col.2, lines 61-65, col. 3, lines 4-15); the substrate is passing with pressure and such substrate to be printed or decorated resemble as the claimed "extruded bar", wherein the substrate bar is pressurized to move in a direction on a die (see figure 3).

Carizzoni et al disclose that the usual heating is performed at a temperature of 180-220 degree C (col.3, lines 49-53 and col.5, lines 65-col.6, lines 1-9 and lines 24-60).

Unlike the instant invention, Carizzoni et al fails to teach the supporting plate is vibrated.

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However, **Lemelson** discloses a process and device for coating or applying a film (15) on a extruded bar (16), wherein the substrate bar is pressurized to move in a direction on a die (12) and the substrate to be coated is heated (col.2, lines 38-49).

Lemelson teaches the coating film or layers comprises decorative effects (col.7, lines 23-32) and the film or layers provided on a coil supply (col.7, lines 40-45 and col.8, lines 1-10 and lines 66-col.9, lines 7), which teaching reads on the claimed limitation of "applying a decorated film on extruded bars -- through a matrix and die, which are heated and supported by a base plate".

Lemelson teaches that the entire fixture assembly includes a base plate (col.3, lines 36-42) and the coated extruded base is subjected to cool down by heat transfer fluid including a plurality jets of clued coolant are ejected against the surface of the coated extrusion as it leaves the die (col.3, lines 72-col.4, lines 1-8).

Lemelson also teaches the use of a second vibrator (40') which is coupled to the mandrel (17) along with the die (12) (see figure 6) for producing vibration (col.10, lines 35-39) and such vibration implicitly vibrate the die.

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to employ Lemelson's teaching into the teaching of Lemelson for improving bond between the extruded materials as well facilitating the passage the extrusion as suggested by Lemelson.

In the above discussion, as the extruded substrate is heated entirely to reach the desired sublimation temperature, it is excepted that the die is also heated during the sublimation process.

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As to claim 5, Lemelson teaches that the vibration is performed with a vibrating means including piezoelectric transducer may comprise electromagnetic, etc. (col.10, lines 38-56 and col.11, lines 22-48) for facilitating passage of the extrusion and also for improving or enhancing the bond between extruded materials (col.11, lines 49-55).

As to claim 6-9, the structural limitation of the cone shaped die would have been obvious design choice as to one of ordinary skilled in the art.

As to claim 10, Lemelson teaches the device is capable of coating or forming marks comprises small irregular circuit patterns that are highly decorative (col.8, lines 1-12).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carizzoni et al (6,335,749) and Lemelson (3,600,918) and further in view of JP 07-16645 (Japanese reference, herein after).

Modified Carizzoni et al discusses above in the paragraph 9 except the heated extruded bar is *cooling by spraying a cooling fluid*.

However, the Japanese reference teaches cooling the extruded bar by spraying the bar with water (cooling liquid) (see the abstract and the figure 1).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to cooling down the extruded substrate as suggested by the Japanese reference.

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One of ordinary skilled in the art would have been motivated to do so because cooling is desirable after the printing or decorating step utilizing sublimation temperature.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abrams (7,413,581) discusses printing an extruding bar with sublimation and the patent 6,249,297 teach the sublimation temperature is in the range of 170-230 degree C.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on Mon-Thurs day (7:00-3:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shamim Ahmed
Primary Examiner
Art Unit 1713

SA
November 6, 2010

/Shamim Ahmed/
Primary Examiner, Art Unit 1713